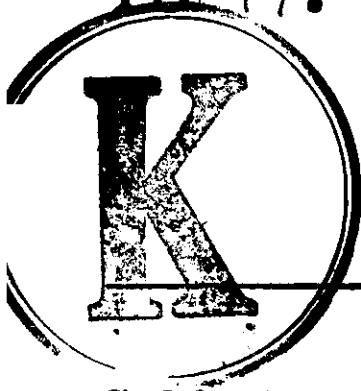


1947.

File No. Irrigation II/47



Legal DEPARTMENT
B BRANCH

Subject:—

Rules and Notification under
the Bombay Irrigation Act; 1879

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C O N T E N T S.

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Rules & Notifn. under the
D'bay Irrigation Act, 1879.

- 1) O. No. 11683
6/12/47. Sec. 5.
Whether the word "river"
in ----- can by itself
include a tributary. 1.

Madhav Raskadam.
10/5.

6/5.

Office of theR.L.A.

Sections 5 of the Bombay Irrigation Act, 1879, provides that whenever it appears expedient to the Provincial Government that the water of any river or stream flowing in a natural channel, or of any lake or of any other natural collection of still water, should be applied or used by the Provincial Government for the purpose of any existing or projected canal, the Provincial Government may declare that the said water will be so applied or used. The word "river" cannot by itself include a tributary. A tributary may however be covered by the expression stream. In that case it would be better to give particulars of the stream, e.g. by defining its course and the point at which it joins the river. Otherwise, the mere use of the word "tributary" would be vague especially when penalties are contemplated (Vide section 61 read with sections 5 and 3(1) (d)). P.W.D. is requested to amend the notifications accordingly and then send them to the R.L.A. for scrutiny.

sd/- P.H.L.

Remembrancer of Legal Affairs.

U. R. to P. W. D. No. 11683, dated the 6th December, 1947.

Madhav Raokadam.

10/5.

c/4.